

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: § Group Art Unit: 3686
Charles Cameron Brackett et al. §
Application No.: 10/723,676 § Examiner: Woods, Teresa A.
Filed: November 26, 2003 § Confirmation No.: 8887
For: MULTI-MEDIA PATIENT § Atty. Docket: 133158-1 IT/YOD/YEP
SUMMARY SYSTEM AND § GEMS:0232
METHOD §

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION OR MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. § 1.6(d), or is being transmitted via the Office electronic filing system in accordance with 37 C.F.R. § 1.6(a)(4), or is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

September 13, 2010
Date

/Patrick S. Yoder/
Patrick S. Yoder

Dear Sir:

INTERVIEW SUMMARY

In accordance with 37 C.F.R. §1.133, applicants hereby provide the following summary of a telephonic interview between the examiner, Teresa Woods, and the applicants' attorneys, Patrick S. Yoder and Ricardo Yepez, conducted on September 2, 2010. A second telephonic summary on the same issues was conducted between the examiner's supervisor, Gerald J. O'Connor, and applicants' attorney, Patrick S. Yoder, on the week of September 6, 2010.

REMARKS

In a telephonic interview conducted on September 2, 2010, the applicants' attorneys, Patrick S. Yoder and Ricardo Yepez, discussed the present application with examiner Woods. In a second telephonic interview conducted on the week of September 6, 2010, the applicants' attorney, Patrick S. Yoder, discussed the present application with the examiner's supervisor, Gerald J. O'Connor. The applicants' attorneys thank the examiner and the examiner's supervisor for taking time to discuss this matter.

In order to further clarify the issues, a telephonic interview took place on September 2, 2010, with examiner Woods. In particular, the matter discussed in the interview related to the premature finality of the final office action mailed on March 12, 2010. More specifically, on September 2, 2010, the applicants' attorneys, Patrick S. Yoder and Ricardo Yepez, pointed out to examiner Woods that the office action mailed on June 9, 2009 failed to address the status of claims 3, 7-13, 15-17, 20-23, 26, 29, and 31. The applicants were, therefore, deprived of any opportunity to meaningfully respond or advance the prosecution of claims 3, 7-13, 15-17, 20-23, 26, 29, and 31 in the previous response to the office action mailed on June 9, 2009. Indeed, the previous response to the office action mailed on June 9, 2009, had pointed out the deficiency in addressing all of the claims, asked for a clarification of claims 3, 7-13, 15-17, 20-23, 26, 29, and 31, and had emphasized that such a clarification, if issued as an office action, should not be final in view of the incomplete nature of the office action mailed on June 9, 2009. *See* response to office action mailed on June 9, 2009, pgs. 8-9.

However, the clarification of the claims 3, 7-13, 15-17, 20-23, 26, 29, and 31 was incorrectly issued as a final office action mailed on March 12, 2010. Once again, the applicants responded to the premature final office action mailed on March 12, 2010, via a response filed on June 11, 2010, and noted the issue of the premature finality of the office action. In addition, the response filed on June 11, 2010, included several claim amendments. However, the next communication from examiner Woods was an advisory action mailed on August 31, 2010, stating that the claim amendments were not entered. Indeed, the premature finality of the office action mailed on March 12, 2010, was not removed. All of these matters, including the issue of the premature finality of the office action mailed on March 12, 2010, were discussed with examiner Woods during the interview on September 2, 2010. Examiner Woods stated that she would look into the matter. However, a review of PAIR as of the present date of September 13, 2010, showed that no new transaction in the present application has taken place to remove the premature finality of the final office action mailed on March 12, 2010.

The applicants' attorney, Patrick S. Yoder, contacted supervisor O'Connor on the week of September 6, 2010, to further clarify the issues. During the interview, supervisor O'Connor agreed that the previous final office action mailed on March 12, 2010, should not have been made final. Supervisor O'Connor helpfully stated that a non-final office action would be forthcoming. However, as noted above, a review of PAIR as of the present date of September 13, 2010, showed that no new transaction in the present application has taken place to remove the premature finality of the final office action mailed on March 12, 2010. Indeed, there appears to be no action taken by examiner Woods or by supervisor O'Connor since the advisory action mailed on August 31, 2010.

Conclusion

Again, the applicants' attorneys would like to thank examiner Woods and supervisor O'Connor for their time.

Respectfully submitted,

Date: September 13, 2010

/Patrick S. Yoder/

Patrick S. Yoder
Reg. No. 37,479
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545